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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,098	02/17/2004	Brian D. Cull	H0005630--1611	3371

128 7590 12/09/2005

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EXAMINER

CHOI, JACOB Y

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/781,098	Applicant(s) CULL ET AL.	
	Examiner Jacob Y. Choi	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-19, 22-35 and 37 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 15-19, 22-35 and 37 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

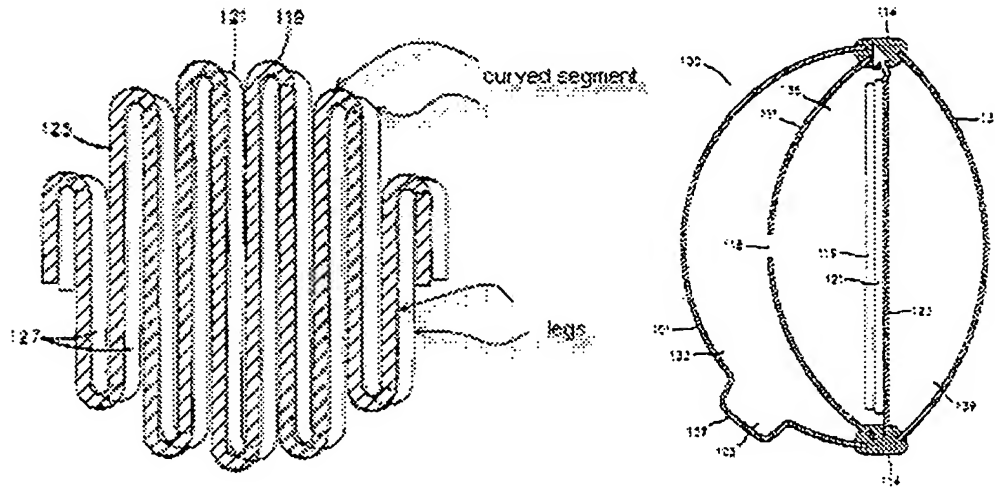
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 15-19, 22-35 & 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Shaffer (USPN 5,775,801).

Regarding claims 15, 23 & 31, Shaffer discloses a first plurality of legs (119 or 121) and a first plurality of curved segments (e.g., Figures 3A & 3B), each of the first plurality of curved segments arranged between a pair of the first plurality of legs, the first plurality of legs and the first plurality of curved segments arranged such that at least three successive legs in the first plurality of legs reside in the first plane, and a second plurality of legs (121 or 119) and a second plurality of curved segments, each of the second plurality of curved segments arranged between a pair of the second plurality of legs, the second plurality of legs and the second plurality of curved segments arranged such that at least three successive legs in the second plurality of legs reside in a second plane different from the first plane, and wherein the second plane is substantially parallel with the first plane, and wherein the first plurality of legs is interdigitated/continuous lamp surface (Figure 3B) with the second plurality of legs to

create a continuous lamp surface along a first side of the fluorescent lamp, and wherein the first side is substantially parallel with the first plane.



Note: claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974).

Regarding claims 16, 24 & 32, Shaffer discloses the first plurality of legs and second plurality of legs are substantially parallel (e.g., Figure 2).

Regarding claims 17, 25 & 33, Shaffer discloses at least one of the first plurality of legs has a scalloped cross sectional shape.

Regarding claims 18, 26 & 34, Shaffer discloses each of plurality of legs includes an aperture facing the first side (opening(s) on curved segments).

Regarding claims 19, 27 & 35, Shaffer discloses at least one of the first plurality of legs has a cross sectional diameter that varies along a length of the at least one of the first plurality of legs (e.g., Figure 4).

Regarding claims 22, 29 & 37 Shaffer discloses a first cathode at a first end of the tubular fluorescent lamp and a second cathode at a second end of the tubular florescent lamp

Regarding claim 28, Shaffer discloses the tubular florescent lamp comprises a tube having a diameter, and wherein alternating successive legs in the plurality of legs are spaced a distance apart substantially equal to the tube diameter.

Regarding claim 30, Shaffer discloses alternating successive legs in the plurality of legs are proximate and adjacent each other.

Regarding claim 35, Shaffer discloses at least one of the first plurality of legs has a cross sectional diameter that varies along a length of the at least one of the first plurality of legs (e.g., Figure 4).

Response to Amendment

3. Examiner acknowledges that the applicant canceled claims 1-14, 20, 21, 27, 36 & 38, amended independent claims 15, 23 & 31, and amended dependent claims 16, 17, 18, 19, 24, 25, 26, 27, 28, 29, 30, 33, 34, 35 & 37.

Response to Arguments

4. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y. Choi whose telephone number is (571) 272-2367. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC



JOHN ANTHONY WARD
PRIMARY EXAMINER